

OCT 05 2004

MORRISON & FOERSTER LLP

Attorneys at Law
3811 Valley Centre Drive, Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5100
Facsimile: (858) 720-5125

**To: MS Amendment
U.S. Patent and Trademark Office**

Facsimile: (703) 872-9306

From: Gregory P. Einhorn

Date: October 5, 2004

We are transmitting a total of 6 pages (including this page).
Original or hard copy to follow if this box is checked ☐.

If you do not receive all pages, please call (858) 314-5435 as soon as possible.

Preparer of this slip has confirmed that facsimile number given is correct: 10294/NXG4

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (858) 314-5435 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

Comments:

Attorney Docket: 220002066000
Group Art Unit: 1636
Examiner: S. Kaushal
Serial No.: 09/954,571
Filing Date: September 11, 2001
Inventor(s): Kenneth CHIEN et al.
Title: METHODS FOR CARDIAC GENE TRANSFER (AS AMENDED)

Papers attached:

1. Transmittal (1 page)
2. Supplemental Response to Restriction Requirement (4 pages)

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
NORM GREEN AT (858) 314-5435 AS SOON AS POSSIBLE.**

SD-223415

OCT 05 2004

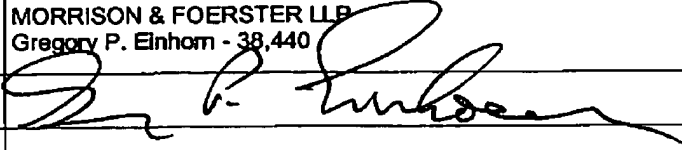
PTO/SB/21 (04-04)

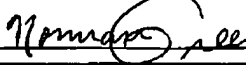
Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/954,571
		Filing Date	September 11, 2001
		First Named Inventor	Kenneth CHIEN et al.
		Art Unit	1636
		Examiner Name	S. Kaushal
Total Number of Pages in This Submission	6	Attorney Docket Number	220002066000

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (4 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet (1 page)
Remarks Customer No. 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP Gregory P. Einhorn - 38,440
Signature	
Date	October 5, 2004

I hereby certify that this correspondence is being facsimile transmitted to MS Amendment, the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.	
Dated: October 5, 2004	Signature:  (Norman Green)

sd-223410

**RECEIVED
CENTRAL FAX CENTER**

OCT 05 2004

I hereby certify that this correspondence is being facsimile transmitted to MS Amendment, the Patent and Trademark Office, facsimile no. (703) 872-8308, on the date shown below.

Dated: October 5, 2004

Signature: 

(Norman Green)

Docket No.: 220002066000 / UC 94-161-9
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Kenneth CHIEN et al.

Application No.: 09/954,571

Art Unit: 1636

Filed: September 11, 2001

Examiner: S. Kaushal

For: METHODS FOR CARDIAC GENE
TRANSFER (AS AMENDED)

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Responsive to the Office COMMUNICATION mailed September 07, 2004, and in further response to the Election/Restriction Requirement mailed August 13, 2003, Applicants respectfully request consideration of the remarks set forth herein. A response to this Office Communication is due October 07, 2004. Accordingly, this Response is timely filed.

Remarks/Arguments begin on page 2 of this paper.

sd-223411